

Decision no. 1411 of October 11, 2006
on approving the Implementation rules of Government Emergency Ordinance
no. 128/2005 on creating, organization and functioning of the National IT System
for Alerts

Chapter I

Authorities with competencies in managing and using the National IT System for Alerts

Article 1

- (1) The Committee for Strategic Coordination, hereinafter called CSC, created according to the provisions of article 3 paragraph (3) of the Government Emergency Ordinance no. 128/2005 on creating, organization and functioning of the National IT System for Alerts, approved with amendments and additions by Law no. 345/2005, hereinafter called the emergency ordinance, for the purpose of analyzing and coordinating the functioning of the National IT System for Alerts, hereinafter called NISA, is a consulting body without legal status functioning by the Ministry of Administration and Interior.
- (2) CSC is an inter-ministerial body chaired by the minister of administration and interior and made up of representatives, at the level of secretary of state or if case be, subsecretary of state, of the following public authorities:
 - a) the Ministry of Administration and Interior;
 - b) the Ministry of Justice;
 - c) the Ministry of Foreign Affairs,
 - d) the National Customs Authority.
- (3) CSC has the role of facilitating and making efficient the communication and collaboration among the competent authorities, as well as substantiating the orders or if case be, the decisions of CSC regarding the taken measures and correlated actions concerning the creation, development and functioning of NISA.

Article 2

- (1) CSC carries out its activity during bi-annual meetings or any time necessary, at the request of the CSC chairman.
- (2) The CSC secretary sets the agenda of the day and presents the report concerning NISA implementation.
- (3) The decisions of the CSC are recommendations, which may be the basis for proposals of normative acts and for measures taken by the heads of competent authorities.
- (4) The financial resources necessary for the CSC meetings and CSC secretariat are supplied from the budget of the Ministry of Administration and Interior.

Article 3

(1) CSC has the main attributions:

- a) it evaluates the degree of harmonization of the Romanian legislation with the Schengen acquis and drafts by its adopted decisions recommendations to the concerned institutions regarding the legal framework in order to bring it in line with the community and international practices or legislation;
- b) it makes recommendations on earmarking funds for implementing and ensuring the NISA functioning;
- c) it drafts, prepares and contributes to substantiating the decisions in order to ensure the coherence in the process of drafting and implementing strategies, policies and programs at the level of the competent authorities which provide and/or access alerts;
- d) it analyzes the necessity and opportunity of including new authorities into the category of those mentioned in article 2 letter b of the emergency ordinance;
- e) it analyzes the necessity and opportunity of including in the NISA new categories of alerts, as they are defined in article 2 letter a of the emergency ordinance and proposes the information they have to contain these categories of alerts;
- f) f) it establishes if the institutions asking to become competent authorities have implemented the necessary measures for providing and/or accessing alerts;
- g) it sets up working groups necessary for the development of the NISA;
- h) it sets the manner of institutional cooperation in order to develop and render functional the NISA;
- i) it drafts recommendations on eliminating the overlaps of competencies in NISA use among the competent authorities, by proposing the necessary measures;
- j) it evaluates the fulfillment of the objectives mentioned in the Implementation Plan of the NISA;
- k) it mediates the conflicts among the competent authorities which provided alerts according to article 8 paragraph 3.

(2) The president of the CSC may request the competent authorities ex officio or at the proposal of the Secretariat of the Strategic Coordination Committee, hereinafter called SCSC reports on the status of application of the Implementation Plan of the NISA, as well as reports on proposals on adopting necessary measures and presents annually to the Government a report on implementing and functioning of the NISA.

Article 4

(1) SCSC is headed by the General Directorate for European Affairs and International Relations of the Ministry of Administration and Interior.

(2) The position of secretary of the CSC is ensured by the director general of the General Directorate for European Affairs and International Relations.

(3) SCSC has the following main attributions:

- a) it supervises the legislative and institutional amendments at the level of the

European Union in the field of the Schengen Information System and it presents reports to the CSC;

b) it ensures the accurate dissemination to the competent authorities of the decisions taken within the working groups at the level of the European Union;

c) it ensures the permanent connection among the institutions represented in the CSC;

d) it drafts and presents to the CSC documents on the NISA put together on the basis of the data obtained from the competent authorities, as well as from other sources;

e) it supervises and communicates to the CSC the fulfillment of the duties and the status of implementing the specific activities for every competent authority, according to the Implementation Plan of the NISA;

f) it handles the documents of the CSC.

(4) The internal regulations of the SCSC is set by order of the minister of administration and interior.

Article 5

(1) The Technical Committee, hereinafter named TC is made up of representatives at the level of experts, of every competent authority mentioned in article 5 paragraph 1 of the emergency ordinance.

(2) The president of TC is the head of the central unit of the Ministry of Administration and Interior, which has attributions in the field of IT&C.

(3) TC has the following main attributions:

a) it analyzes the modernization of the IT&C systems which participate in the NISA in order to render them compatible with the NISA;

b) it analyzes the technical problems notified by the competent authorities as they arise during the implementation and functioning of the NISA and proposes solutions to the CSC;

c) it ensures the implementation of the decisions of the CSC from a technical point of view;

d) it presents to the SCSC proposals for a better functioning of the NISA and the proposals are forwarded through the CSC;

e) it ensures the competent authorities reports regarding the decisions taken in the technical working groups of the European Union in the field of the Schengen Information System;

(4) TC meets once a trimester or as necessary at the request of the committee president.

(5) The Secretariat of the TC is ensured by the central structure of the Ministry of Administration and Interior, which has attributions in the field of IT&C.

(6) The Secretariat of the TC has the following main attributions:

a) it supervises the technical changes at the level of the European Union in the field of the Schengen Information System and sends reports to the TC and SCSC and presents to the CSC;

b) it ensures the permanent connection among the authorities represented in the TC;

- c) it drafts and sends to the SCSC in order to be presented in the CSC documents on the technical issues of the NISA made up on the basis of the data obtained from the competent authorities, as well as from other sources;
- d) it handles the documents of the TC.

Chapter II

The access and storing of the data in the NISA

Article 6

(1) The competent authorities access only the alerts of the NISA necessary for fulfilling their own attributions and ensure access to them only for duly authorized personnel.

(2) The alerts in the NISA cannot be transferred, downloaded or copied, except for the cases mentioned in article 4 paragraph 3 of the emergency ordinance.

(3) Every providing and/or accessing of personal data shall be recorded in the NISA for the purpose of checking the admissibility of the providing and/or search. The record may be used only for that purpose and shall be deleted at the earliest after one year and at the latest after three years.

(4) In the purpose providing and/or accessing the alerts in the NISA, the competent authorities shall issue a common methodology with technical, operative and procedural measures correlated with the security requirements issued by the national authorities.

Article 7

- (1) The competent authority, which provided the alert, is authorized to amend, supplement or delete the data, which it entered.
- (2) If one of the competent authorities which did not issue an alert has evidence to prove that a piece of data is false, inaccurate or was stored illegally, it shall inform in 10 days the competent authority that provided the alert about this.
- (3) The competent authority which entered the alert has the obligation to check the evidence mentioned in paragraph 2 and if it is necessary, to modify or delete immediately the respective data.
- (4) In case an understanding cannot be reached, the competent authority, which did not enter the alert, shall forward the case for mediation to the CSC.

Article 8

(1) Before entering an alert on a person, the competent authority must check if that person is the subject of another alert previously entered into the NISA.

(2) If following the checks, it is established that a person with the same identification data is subject of a previous alert, the competent authority which wants

to enter the new alert shall contact the competent authority which firstly entered that alert in order to established if it concerns the same person.

(3) If following the consultations, it is established that the previous alert concerns the same person, the new data provided by the latest competent authority in the NISA is automatically added to the already existing NISA alert.

(4) In the case of persons for whom different measures were requested by several competent authorities, the competent authority that identifies the person shall inform all the other competent authorities that requested measures to be taken about it. The order in which the measures will be taken shall be established by the competent authority, which identifies the person.

Article 9

- (1) The personal data entered into NISA according to the provisions of article 6 of the emergency ordinance are stored only for the time necessary to achieve the purpose for which they were entered.
- (2) Before the expiry of the three years period from the time of NISA entering, the providing competent authority analyzes the necessity of preserving it into the system. The alert can be preserved if it is necessary for achieving the purpose for which it was entered in the NISA.
- (3) Any extension of the validity period of an alert is communicated to the central unit of the Ministry of Administration and Interior, which manages the NISA from a technical point of view according to article 3 paragraph 2 of the emergency ordinance.
- (4) The maximum storing time for the data mentioned in article 6 letters d to f of the emergency ordinance is of 10 years.
- (5) The maximum storing time for the data mentioned in article 7 of the emergency ordinance is of 5 years.
- (6) The maximum storing time for the data mentioned in article 6 letter a to c of the emergency ordinance is set by the competent authority, depending on the case.
- (7) The technical support function of the NISA informs automatically the competent authorities that entered the alerts on their planned deletion from the system a month in advance before the completion of the maximum storing period.
- (8) The deleted alerts are kept for one year in the system in order to be accessed for checking the accuracy and legality for them being entered and afterward, they are destroyed.